



November 30, 2004

## **Proposed Critical Habitat Designations in Washington, Oregon, Idaho and California for Endangered and Threatened Pacific Salmon & Steelhead**

### **Today's Action.**

NOAA Fisheries filed proposed rules with the *Federal Register* to designate critical habitat areas in Washington, Oregon, Idaho and California for 20 species of salmon and steelhead listed as threatened and endangered under the Endangered Species Act (ESA). The proposal includes a separate rule for 13 species listed in Washington, Oregon and Idaho, and another for 7 for species listed in California. The proposed rules include analyses of the economic and other impacts of such designations, and a range of areas that are being considered for exclusion in the final rules. Public hearings will be held in January 2005 in various locations in Washington, Oregon, Idaho and California to receive comments and feedback on the proposal. Details of the public hearings will soon be posted on NOAA Fisheries' website: <http://www.nwr.noaa.gov/1salmon/salmesa/crithab/CHsite.htm>. Following the public comment period and hearings, the final rules are scheduled to be completed by NOAA Fisheries by June 2005.

### **Background.**

The Endangered Species Act (ESA) requires the federal government to designate "critical habitat" for any species listed under the ESA, in this case, salmon and steelhead. "Critical habitat" is defined as specific areas on which are found physical or biological features essential to the conservation of the species, and which may require special management considerations or protection. Critical habitat designations must take into consideration the economic impact, and any other relevant impact of such designation, and areas may be excluded from critical habitat if a determination is made that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat. However, the failure to designate critical habitat in specific areas must not result in the extinction of the species.

Between 1989 and 2000, NOAA Fisheries listed 26 species of Pacific salmon and steelhead in the Pacific Northwest and California, and during that timeframe enacted final critical habitat designations for 6 of the 26: Snake River sockeye, Snake River fall chinook, Snake River spring/summer chinook, Sacramento winter-run chinook, Central California coast coho, and Southern Oregon/Northern California Coasts coho.

In February 2000, NOAA Fisheries published final critical habitat designations for 19 ESUs listed at that time. The agency stated that there would be no economic impact resulting from the designations, on the belief that very little or no additional requirements would be imposed beyond those already associated with the listing of the species themselves. A legal challenge was filed by the National Association of Homebuilders, and a federal court ruled that NOAA Fisheries did not adequately consider the economic impacts of the critical habitat designations.

In April 2002, NOAA Fisheries withdrew the 2000 critical habitat designations. Another lawsuit was filed by the Pacific Coast Federation of Fishermen's Association and other plaintiffs, alleging that NOAA Fisheries failed to timely designate critical habitat for the 19 ESUs for which critical habitat had been vacated (as well as an additional listed species, the northern California steelhead). A settlement was entered in which NOAA Fisheries ultimately agreed to file proposed critical habitat designations for the 19 ESUs covered by the vacated rule plus Northern California Steelhead by November 30, 2004.

### **Species Covered by the Proposal.**

One document describes proposed critical habitat designations for the following 13 populations of salmon and steelhead: (1) Puget Sound chinook salmon; (2) Lower Columbia River chinook salmon; (3) Upper Willamette River chinook salmon; (4) Upper Columbia River spring-run chinook salmon; (5) Oregon Coast coho salmon; (6) Hood Canal summer-run chum salmon; (7) Columbia River chum salmon; (8) Ozette Lake sockeye salmon; (9) Upper Columbia River steelhead; (10) Snake River Basin steelhead; (11) Middle Columbia River steelhead; (12) Lower Columbia River steelhead; and (13) Upper Willamette River steelhead.

The other document describes proposed critical habitat designations for the following 7 populations of salmon and steelhead: (1) Central Valley spring-run chinook salmon; (2) California coastal chinook salmon; (3) Southern California steelhead; (4) South-Central California coast steelhead; (5) Central California Coast steelhead; (6) Central Valley California steelhead; and (7) Northern California steelhead.

### **Areas Proposed for Designation.**

Unlike the 2000 designations, which relied on the U.S. Geological Survey's (USGS) maps of subbasins and included "all accessible river reaches within the current range of the listed species," the 2004 proposals use a much finer, more specific scale in designating critical habitat for salmon. The current proposal identifies stream reaches where listed salmon and steelhead have actually been observed or where biologist with local area expertise presume them to occur. The agency seeks public input as to which stream reaches are actually occupied by the species.

The proposed designations utilize information gathered by the more than 400 watershed groups already doing larger-scale salmon recovery planning efforts in Washington, Oregon, Idaho and California, such as the Northwest Power and Conservation Council, the Oregon Plan for Salmon and Watersheds, the Puget Sound Shared Strategy for Salmon and the California Bay-Delta Program (CALFED). The proposal also includes updated scientific information to designate new critical habitat in estuarine and nearshore marine areas. Except for a small area in the Hood Canal, unoccupied areas are not proposed for designation.

The proposed designations look at certain factors called "primary constituent elements" (PCEs) that are essential to support one or more of the life stages of salmon. The proposal analyzes areas that will provide the greatest biological benefits for listed salmon and balances the economic and other costs for areas proposed for designation.

### **Consideration of Habitat Conservation Plans, Land and Military Management Plans for Salmon.**

The proposal includes the potential for exclusion of certain lands based upon analyses of the anticipated positive benefits that existing and future salmon conservation activities will provide for salmon habitat, including federal and non-federal land management plans, habitat conservation plans, and integrated natural resource management plans at various military facilities in the Pacific Northwest and California.